H.B. 843 Kentucky Commission on Services and Supports for Individuals With Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnosis December 15, 2003 Meeting Minutes 100 Fair Oaks Lane Frankfort, KY

<u>Commission Members Present:</u> Representative Mary Lou Marzian, Representative Charles Siler, Representative Bob Damron, Senator Johnny Ray Turner, Bryan Sunderland, Angela Wilkins, Wanda Bolze, William Heffron, Nick Muller, Rick Purvis, Bernie Block, Kalem Juett, Maureen Fitzgerald, David Hanna, Commissioner Bruce Crump, Connie Payne, Jerry Whitley, Harry Carver.

WELCOME

- Co-Chair Representative Marzian called the meeting to order, made brief introductory remarks and thanked everyone for attending and working so hard during 2003.
- Co-Chair Representative Marzian asked for a motion to approve the minutes from the October Meeting. Rick Purvis second and commission members approved.
- Representative Marzian adjusted the meeting agenda. Rick Purvis began the meeting with his presentation and the roundtable discussion of priorities was moved down.

Criminal Justice, Substance Abuse, and Mental Health Issues

Dr. Rick Purvis, Department of Corrections

Rick Purvis gave a brief introduction of the Criminal Justice/Behavioral Health Workgroup. Kim Allen was charged specifically with developing a training curriculum for Kentucky jailers and staff. This came as a result of a four-day investigative report issued by the Louisville Courier Journal Spring 2002, which focused attention on the number of suicides in Kentucky jails. Thanks to Senator Dan Kelly, the General Assembly appropriated \$550,000 to the Department for MH/MR for this purpose. The development of the curricula content became the focus of the CJ/BH workgroup efforts during FY 03.

The Behavioral Health/Criminal Justice Interface Workgroup submits the following recommendations for the Commission's consideration:

- The Jails Standards Commission would require all jails to utilize a standardized behavioral health intake screening form.
- A continuation of the jailer training program in order to educate newly-hired staff and to extend training to other officers of the court who may come in contact with person incarcerated or in detention but deemed mentally ill.
- The funding and implementation of the Telephonic Behavioral Health Jail Triage project developed by the Bluegrass Regional MH/MR Board and funding for behavioral health services as follow-up to jail triage services.
- Drug Courts should be fully funded to include the full continuum of community-based treatment meeting the adequacy standards set by the National Association of Drug Courts.
- The expansion of Drug Courts statewide and a request that the eligibility criteria be broadened.

In addition to the recommendations outlined above, the CJ/BH workgroup will focus on the following areas for FY 04:

- Collaboration on housing needs.
- Study of Behavioral Health Courts.
- Collaboration on transportation needs.
- Collaboration on juveniles in detention.
- Study and review of KRS 504 and it relation to KRS 202A.

See meeting handouts for additional information

Bernie Block asked Dr. Purvis that if there was any money leftover from the \$550,000 for training that the workgroup look at using these funds to pursue training for prosecutors and judges in recognizing and dealing with mental health issues.

Dr. Purvis clarified that the counties who presently offer alternatives to the Telephonic Triage, funding dollars will be allocated in conjunction with the number of beds in that region therefore the regions will receive their portion of the funding in order to use it in another area relative to Criminal Justice in that region.

Representative Marzian thanked Dr. Purvis for providing such a thorough workgroup report and recognizing that additional funding will be needed for the CHMC's to provide the needed treatment to these individuals. And also recognizing the need to study and enhance children's mental health issues.

Maureen Fitzgerald stated that Protection and Advocacy receives at least one call per week from the parent of a disabled child who has been bullied in the community and doesn't want to go to school or leave the house out of fear. This is a huge problem that needs to be recognized.

Representative Siler stated that he doesn't like naming a specific court a Behavioral Health Court. Mental Illness should be recognized in all courts by all judges and prosecutors.

Representative Marzian restated that this reiterates the importance of educating judges and prosecutors in recognizing and dealing with mental illness. There needs to be an attitude change across the board determining whether to provide treatment as an alternative to incarceration when dealing with certain individuals.

Regional Planning Council Feedback on the CJ/BH Workgroup Recommendations

Wanda Bolze, Regional Planning Council Chairperson

Wanda Bolze began her presentation by stating that the regional planning councils indicated their endorsement and support of the CJ/BH workgroup recommendations. The criminal justice and mental health interface issues would be improved with the continued focus on increased and routine training of jail staff to assure early identification of behavioral health issues. Also, the use of Drug Courts as mechanisms to provide alternatives to incarceration is supported, as long as there is sufficient funding to provide the full continuum of community-based treatment for Drug Court participants.

Concerns from the Regional Planning Councils centered on the issue of sufficient funding. Verifying the existence of a condition that requires treatment will provide little or no benefit unless the needed follow-up treatment is available and sufficiently funded. The CHMC's will be taking on another service, which raises the question of whether there will be sufficient funding tied to the service, and whether professional staff is

available to provide these services to the jail system. Some regions have existing or planned relationships and contracts between the CMHC and the local jail that include triage service. There was concern as to how these relationships would be affected by a statewide triage program.

Wanda Bolze restated that flexible funding and access to service were the top two Regional Planning Council recommendations that were presented at the October meeting.

Mending the Public Safety Net

Steve Shannon, KARP

Steve Shannon stated that he has been with KARP representing the Regional CMHMRC's for the last six years, and the 14 regions have not received an increase in their general funding dollars for the least the last twelve years. These services are for Kentuckians who do not have another payee source. Representative Lee asked that a calculation be done to determine how much funding would be needed to adjust funding levels for inflation for the past five years.

The study began by using the FY 02' base-funding amount for each region. The calculations added an inflation percentage of 2.2% per year to each region's base funding. These calculations determined that an increase of \$12.5M would be needed over the next biennium. In addition to the \$12.5M, \$6.6M was needed to fund the 24/7 Jail Triage and provide treatment. This brings the overall needed funding increase to a total expansion request of \$19.1M. Without this expansion, the public safety net is being eroded.

Representative Marzian restated that flexibility has been an issue for the CMHMRC's and this funding increase should not be tied to a specific project.

Steve Shannon reiterated that these dollars could be used in the regions based on the needs in their local communities.

Bernie Block stated that approximately half of Seven Counties revenue comes from Medicaid, the other half comes from their indigent care contract with the state and has not been increased in 12 years. There have been increases for specific areas but the initial base to serve the Mental Health community has not been increased.

Representative Siler said that it's imperative that the CEO's in each region have flexibility.

More discussion took place regarding the total expansion increase request of \$19.1M over the next two years.

Representative Marzian proposed a motion to take to the General Assembly an overall request of \$19.1M over the next two years for the CMHMRC's. These numbers are reflected in Steve Shannon/KARP's proposal. An increase of \$12.5M over two years plus the \$6.6M for the 24/7 Telephonic Triage bringing the total proposal to \$19.1M over two years.

Representative Siler made the motion and Dr. Rick Purvis seconded.

Representative Damron asked that the proposal be sent to the Governor's office and Representative Marzian said that it also should go to the budget chairs and cabinet secretaries.

Bernie Block stated that initially the Commission had a priority set trying to get Kentucky from 44th to 25th, which was going to take \$25M every year and the Commission should not back off of that initial request.

That was the number one priority and it should be included somewhere in the motion that absolutely this means no cuts.

Representative Siler motioned to amend the initial motion to \$25M annually to bring Kentucky from 44th to 25th in mental health spending. The Commission approved the motion.

Representative Damron expressed concern that the initial request was very specific in defining where the funding dollars would be used, but now to ask for \$25M yearly is not very specific.

Representative Siler said that the initial proposal was for two items and there are many items that can be identified to justify the increased amount.

Representative Marzian stated that housing and transportation have been identified as priorities.

Representative Damron restated that the first motion was very realistic.

2004 General Assembly Prefiled Bills

Cigarette Excise Tax & Smokeless Tobacco Tax (BR88)

Representative Marzian

Representative Marzian reviewed the bill being introduced by Representative Jon Draud. Noting Kentucky is the second lowest tax in the nation. The tobacco tax hasn't been increased since 1980 and last year Kentucky spent over \$1 Billion in health related costs pertaining to smoking. The proposed tax increase is \$0.75 per pack. Tax generated funds from this increase would be allocated accordingly: 33% toward Medicaid Services, 33% toward teacher's salaries, 14% or up to \$45M to Mental Health Services, 7% toward smoking cessation programs and some additional funds to Veteran's Affairs and Cancer Research at the University of Kentucky.

Medicaid Buy-In (BR309)

Steve Shannon - KARP

Steve Shannon discussed the bill that is being introduced by Representative Steve Nunn. This bill will create a policy group to develop a Medicaid Buy-In program for persons with disabilities. Current state programs create disincentives for persons with disabilities to become employed. It is advantageous to economic development and in the best interests of its citizens to have programs that support employment. It is the intent that all state agencies work with citizens to identify and remove barriers to employment for persons with disabilities. Therefore this bill would allow the cabinet to convene a policy group to develop a program to allow individuals to purchase or maintain Medicaid coverage to support obtaining or maintaining employment.

Involuntary Commitment of Person with Alcohol, Other Drug Abuse, and Mental Illness (BR178) *Karyn Hascal, Division of Substance Abuse*

Karyn Hascal discussed BR178 that is being introduced by Representative Kerr. This bill addresses involuntary commitment to a long-term outpatient substance abuse treatment program. Not to a hospital facility. It also requires the petitioner to pay up-front for the services rendered based on an initial assessment of the individual. The bill came about related to the death of a person caused by his heroin addiction. His family feels this could have been prevented had they been able to force him into treatment.

Sheila Schuster noted the concern that BR178 creates a class system on who gets treatment. Obviously the people who will be able to afford the treatment will receive it.

Psychiatric Residential Treatment Facilities (BR347)

Dr. Sheila Schuster - Kentucky Mental Health Coalition

Sheila Schuster discussed the bill being introduced by Representative Burch. Currently the PRTF's have a limit of eight beds. The staffing requirements specify having one staff person per three beds. By having a limit of eight beds you have a higher staff ratio than is required by regulations. This bill would increase the bed limit to 9 beds, which would increase the number of people being served but maintaining the same number of staff. Financially it's more feasible because the PRTF's are costly to operate.

Brief discussion took place regarding this bill and some additional items noted that might be added to the bill before its passage.

Notification to Parents for Specific Health Services Provided to Minors (BR107)

Dr. Sheila Schuster - Kentucky Mental Health Coalition

Sheila Schuster also discussed BR107 being introduced by Representative Napier. Sheila stated that this bill requires notification of parents or guardians when certain health services are provided by state or local government employees. (i.e. sexually transmitted diseases, emergency contraception, pregnancy, illegal drug use, or the contemplation of suicide.) The concerns surrounding this bill are that it may violate what is already in Federal statute regarding treatment to minors, therefore jeopardizing some federal funding. It also creates a class system because it doesn't pertain to individuals seeking health services from private entities. Therefore, individuals who don't have the funds to seek assistance privately but only through a government facility will be effected.

Governor Patton's Work Group on Substance Abuse and Criminal Justice

Dr. Rick Purvis, Department of Corrections

Rick Purvis gave a brief update on Governor Patton's Work Group on Substance Abuse and Criminal Justice. The report and recommendations were the culmination of the group's professional expertise, knowledge and experience. Alternatives to incarceration were the primary focus of the report. Treatment as an alternative to incarceration must be considered. It is imperative for our elected officials at all levels to study this issue and work to resolve the "revolving door" syndrome of peoples returning to prison. Effective treatment can restore people to be productive citizens of Kentucky.

NAMI's Campaign for the Mind of America

Jim Dailey, NAMI Kentucky

NAMI has launched a National Campaign to bring together non-traditional partners when dealing with Mental Illness. (i.e. law enforcement, prosecutors, businesses, hospital administration, etc.) Kentucky has been highlighted as one of the states in this campaign. Any recommendations that the HB843 Commission can make for the NAMI campaign will receive national attention. The recommendations that come out of the Commission will be made public. One of the reasons Kentucky was selected to participate in this campaign was because of the HB843 Commission.

HB843 Two Year Work Plan

Representative Marzian

Representative Marzian asked that each Commission member review the Two-Year Work Plan and make note of any issues that need to be added or addressed in more detail.

President Bush's New Freedom Commission

Louis Kurtz, Department of Mental Health

Lou Kurtz asked each member to review the President's New Freedom Commission that was provided in the meeting packets. Lou discussed the Kentucky Mental Health Planning Council and how they are aligning their goals with the President's New Freedom Commission goals and recommendations. These goals and recommendations will be instrumental when applying for federal grant funding. Lou also mentioned that this will be one of the main topics for the HB843 Commission Retreat that will be held in the spring of 2004.

HB843 Commission Retreat

Representative Mary Lou Marzian

Topics for the Spring Retreat will be:

- Educating new Commission members on the background and establishment of the Commission.
- The President's New Freedom Commission on Mental Health and how the states are aligning themselves with this plan.
- ➤ Background on the Mental Health Planning Council including their goals and recommendations.
- An invitation has been extended to Mr. Michael Hogan, State of Ohio Commissioner of Mental Health and Chair of the President's New Freedom Commission and how it relates to state programs.

Representative Marzian made a motion to establish a HB843 Commission Workgroup on Suicide Prevention that would involve the collaboration of various organizations and state agencies. The commission seconds the motion.

With no further business, the meeting was adjourned.